

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

March 21, 2006

FROM: PATRICK J. MEAD, Director
Department of Public Works – Solid Waste Management Division

**SUBJECT: MEMORANDUM OF UNDERSTANDING REGARDING GROUNDWATER
CLEANUP FOR PERCHLORATE**

RECOMMENDATION: Approve Memorandum of Understanding (MOU) **Agreement No. 06-0214** between the County of San Bernardino, City of Rialto, City of Colton, West Valley Water District and the Fontana Water Company, a division of San Gabriel Valley Water Company, regarding the use of federal funds being sought for the purpose of perchlorate cleanup and miscellaneous other matters.

BACKGROUND INFORMATION: The Cities of Rialto and Colton, the Fontana Water Company (FWC), and West Valley Water District (WVWD) (the purveyors) provide water to more than 235,000 consumers in southwestern San Bernardino County. The water comes from the Rialto-Colton groundwater basin (RCB) and adjoining portions of the neighboring basins (collectively referred to herein as "the basins"). Since 1997, when testing of groundwater for perchlorate began, it has been detected in numerous wells at concentrations that exceed the state minimum action level for drinking water. The major, current, known source of perchlorate contamination in the RCB is a site formerly used by the Department of Defense, defense contractors, fireworks entities and others. These purveyors have been significantly impacted by perchlorate contamination with a resulting impact on their ability to provide a stable and reliable source of water to the community.

Recognizing these conditions, the County of San Bernardino (County), in conjunction with the purveyors, formed the Rialto-Colton Basin Technical Committee (RCBTC) to collect data in order to develop and initiate an appropriate strategy to cleanup groundwater. The goals of this strategy are to restore groundwater supplies to the four water purveyors and to accelerate groundwater cleanup. Working with the County, the purveyors have agreed on a proactive approach that protects and begins to restore the public water supply, implements interception and treatment of groundwater contaminants, optimizes limited resources, and decreases the timeframe and overall costs required for cleanup of groundwater. A "White Paper" entitled Proposed Initial 5-year Groundwater Cleanup Approach Rialto-Colton and Neighboring Basins San Bernardino County, California, on file with the Clerk of the Board, identifies the groundwater cleanup strategy that the RCBTC has developed to address the perchlorate contamination.

This cooperative effort between the five agencies is designed to result in the restoration of water supplies to the area in conjunction with minimizing the further spread of the contamination.

cc: PW/Solid Waste-Wulfman w/2 agree
Contractor c/o PW/Solid Waste
w/agreement
Auditor-Mejico w/agreement
IDS-w/agreement
Risk Management
PW/Solid Waste-Mead
CC-Jocks
CAO-Forster
File-w/agreement

ml

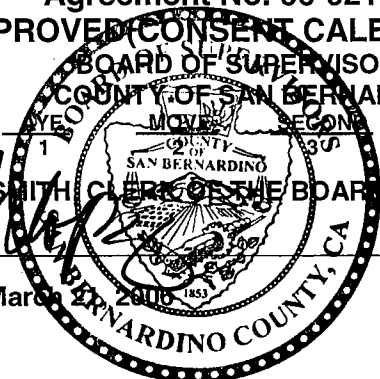
Record of Action of the Board of Supervisors
Agreement No. 06-0214
APPROVED/CONSENT CALENDAR)

MOTION	AYES	NOES	AYES	NOES	AYES	NOES
	1		30		4	5

DENA M. SMITH, CLERK OF THE BOARD

BY

DATED: March 21, 2006



ITEM 025



County of San Bernardino

F A S

CONTRACT TRANSMITTAL

FOR COUNTY USE ONLY

<input checked="" type="checkbox"/> New <input type="checkbox"/> Change <input type="checkbox"/> Cancel	Vendor Code	SC	Dept.	A	Contract Number 06-0214
County Department DPW – Solid Waste Management Division			Dept.	Orgn.	Contractor's License No.
County Department Contract Representative Peter H. Wulfman, Division Manager			Telephone 386-8703		Total Contract Amount
Contract Type <input type="checkbox"/> Revenue <input type="checkbox"/> Encumbered <input type="checkbox"/> Unencumbered <input checked="" type="checkbox"/> Other:					
If not encumbered or revenue contract type, provide reason: Approval of MOU between the County of San Bernardino, City of Rialto, City of Colton, West Valley Water District and Fontana Water Company, a division of San Gabriel Valley Water Company related to the cleanup of perchlorate in the Rialto-Colton Basin.					
Commodity Code		Contract Start Date	Contract End Date	Original Amount	Amendment Amount
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No. Amount
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No. Amount
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No. Amount
Project Name MOU between County of San Bernardino, City of Rialto, City of Colton, West Valley Water District and Fontana Water Co.			Estimated Payment Total by Fiscal Year FY Amount I/D FY Amount I/D		

CONTRACTOR

Federal ID No.

Contractor's Representative

Address 150 South Palm Avenue Rialto, CA 92376 Phone 909-820-2519

Nature of Contract: (Briefly describe the general terms of the contract)

Approval of this item will approve an MOU between the County of San Bernardino, City of Rialto, City of Colton, West Valley Water District and the Fontana Water Company, a division of San Gabriel Valley Water Company, subject to the approval of this MOU by each and every governing body, regarding the use of funds to be sought from the United States related to a White Paper entitled Proposed Initial 5-year Groundwater Cleanup Approach Rialto-Colton and Neighboring Basins San Bernardino County, California and miscellaneous other matters.

(Attach this transmittal to all contracts not prepared on the "Standard Contract" form.)

Approved as to Legal Form (sign in blue ink)

County Counsel

Date

3/16/06

Reviewed as to Contract Compliance

Date

Presented to BOS for Signature

Department Head

Date

3/16/06

Auditor/Controller-Recorder Use Only

<input type="checkbox"/> Contract Database	<input type="checkbox"/> FAS
Input Date	Keyed By

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made and entered into effective this 10th day of March, 2006, by and between the County of San Bernardino, City of Rialto, City of Colton, West Valley Water District and Fontana Water Company, a division of San Gabriel Valley Water Company (each a "Party" and collectively the "Parties"), subject to the approval of this MOU by each and every governing body, regarding the allocation of funds to be sought from the United States related to the White Paper entitled Proposed Initial 5-year Groundwater Cleanup Approach Rialto-Colton and Neighboring Basins San Bernardino County, California (hereinafter "Federal Funds").

The Parties agree as follows:

1. The Parties agree on the use of Federal Funds as set forth in the White Paper, if any Federal Funds are received pursuant to the White Paper. The Parties agree to lobby United States Senators, Members of Congress and their Staffs jointly with respect to the White Paper.

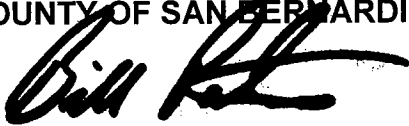
2. Nothing in the White Paper or this MOU may be used for any reason in the litigation filed by or against any Party (the "Litigation"). The terms of the White Paper or this MOU shall not be interpreted as a waiver or admission of any fact concerning the relative liability of any Party or any Party's respective share of any monies obtained, if any, in the Litigation. Each Party receiving any Federal Funds shall be responsible for, and determine the source of, the matching funds, if any. Unless the Parties agree otherwise, the Parties will not seek or accept Federal Funds from, and will oppose, legislation that directs or makes the receipt of Federal Funds dependent upon the use, or a particular division among the Parties, of any monies obtained by another Party from any defendant (or any other litigation party) in the Litigation.

3. Unless all the Parties agree to the terms of this MOU, the White Paper, as written, will not be used by any Party and specifically will not be used by any Party to obtain Federal Funds. Notwithstanding the previous sentence, any Party (by itself or

with another Party or Parties) may use applicable portions of the White Paper to prepare a document as part of a submission to obtain Federal Funds or funds from the State of California.

IN WITNESS WHEREOF, each of the Parties has caused this MOU to be subscribed on its behalf by its duly authorized officers as follows:

COUNTY OF SAN BERNARDINO



Bill Postmus, Chairman, Board of Supervisors

Dated: MAR 21 2006

CITY OF RIALTO

Grace Vargas, Mayor

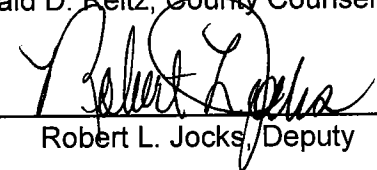
Dated: _____

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

By  Clerk of the Board of Supervisors
of the County of San Bernardino

APPROVED AS TO LEGAL FORM:

Ronald D. Reitz, County Counsel

By  Robert L. Jocks, Deputy

ATTEST:

Barbara McGee, City Clerk

APPROVED AS TO FORM:
Robert A. Owen, City Attorney

CITY OF COLTON

Deirdre H. Bennett
Deidre Bennett, Mayor

Dated: May 9, 2006

Olivia R. Flores Chief Deputy
ATTEST:
Carolina P. Barrera, City Clerk

APPROVED AS TO LEGAL FORM:

Best Best & Krieger, LLP

By Gene Tanaka
Gene Tanaka

**WEST VALLEY WATER DISTRICT,
a public agency**

By _____
Anthony Araiza, General Manager

Dated: _____

APPROVED AS TO FORM:

Musick, Peeler & Garrett LLP

By _____
Steven J. Elie

**FONTANA WATER COMPANY,
a division of San Gabriel Valley Water Company**

By _____
Michael L. Whitehead, President

Dated: _____

Attest: _____
Timothy J. Ryan, Secretary

APPROVED AS TO FORM:

CITY OF COLTON

Deidre Bennett, Mayor

Dated: _____

ATTEST:

Carolina P. Barrera, City Clerk

APPROVED AS TO LEGAL FORM:

Best Best & Krieger, LLP

By _____
Gene Tanaka

**WEST VALLEY WATER DISTRICT,
a public agency**

By _____
Anthony Araiza, General Manager

Dated: 4-7-06

APPROVED AS TO FORM:

Musick, Peeler & Garrett LLP

By _____
Steven J. Elie

**FONTANA WATER COMPANY,
a division of San Gabriel Valley Water Company**

By _____
Michael L. Whitehead, President

Dated: 3-27-06

Attest: _____
Timothy J. Ryan, Secretary

APPROVED AS TO FORM:

Musick, Peeler & Garrett LLP

By _____
Steven J. Elie